

**REMARKS:**

This application contains 37 claims and 4 independent claims as filed. In the present response Claims 26 through 37 which are a total of 12 claims have been withdrawn. Claims 38 through 46 which are a total of 9 claims have been added so the total number of claims is now less than the total number of claims filed originally. However the added claims include 3 independent which are Claims 38, 43 and 46 so that there are now 5 independent claims. Thus an additional claim payment is  $(2 \times \$100) = \$200$  and the Commissioner is hereby authorized to charge our Deposit Account No: 01-0310. A duplicate copy of this sheet is enclosed.

Patent Form PTO 1449 is attached hereto making reference to a magazine entitled "Better Homes and Gardens WOOD" dated February 1990, issue no: 33 (hereinafter referred to as "WOOD"). In particular reference is made to an article in this magazine commencing on page 50 and terminating on page 56.

This reference has been discovered only within the past 28 days during further searching in respect of the present application. It is hereby specifically stated under Rule 1.97(e):

*"That no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge to the person signing the certification after making reasonable inquiry, no item of information contained in a Disclosure Statement was known to any individual designated in Rule 1.56(c)*

*more than 3 months prior to the filing of the Information Disclosure Statement."*

This Information Disclosure Statement is submitted before the mailing date of any Final Action or a Notice of Allowance or an Action that otherwise closes prosecution of the application.

It is requested therefore that the Examiner consider the prior art cited herein.

WOOD on page 52 and 53 and 54 shows two dust ports (best shown in the figure at the bottom of page 54) in which one of the dust ports at the bottom of the housing extracts air from around the bit of the router. The second dust port at the top of the housing connects to a hole in the table top of the router table so as to draw air from the table top. In the photograph shown in Figure 1, it will be noted that the hole through which air is drawn in the table top is located behind the guide fence on the table top and is covered by a red cover so as to draw air across the top of the table surface from the area of the bit.

The Examiner has cited under 37 U.S.C. 103 the prior art of Brazell. The Examiner indicates that this prior art discloses the features of the present invention and refers to the ducts 130 and 132 shown best in Figures 8 and 9.

Clearly looking at the cross section in Figure 9, the suction duct 110 is attached to the bottom of the table and communicates with the circular aperture 132 of the mounting plate 20 for creating a vacuum in the second aperture 134. However these elements are located under the primary table 14 so they do not break out through the upper surface of the primary table 14 or through the Formica top 92 on top of that

table 14. Thus the duct 128, 130 transfers the suction from the underside of the table at the tube 110 under the top of the table to the bit opening or aperture 134.

However the arrangement of the present invention is entirely different. In the present the suction opening 25 in Figures 2 and 3 breaks out through the upper surface of the table. This opening in the upper surface of the table is not communicated directly under the table to the bit aperture nor is it covered by a separate cover in the manner of the article in the magazine now submitted herewith.

Instead the present inventor has realized that the suction opening in the upper surface of the table requires to be spaced away from the opening for the bit by a portion of the table surface itself. If this opening is then spaced away in this manner, the surface of the table together with the shape or slot formed in the work piece by the bit can be used to form a passage for the materials to carry those materials over the surface of the table through the passage or slot defined by the surface and the shape in the work piece from the area of the bit to the suction opening.

This operation is explained in the specification as filed commencing on page 14 at line 6.

In the prior art, therefore, the intention is to apply suction in the area of the bit as it extends through the hole in the table top and through the opening in the top surface of the table.

The present inventor has realized that this technique does not operate satisfactorily in view of the high centrifugal force which is generated on the particles removed from the work piece. Instead the present inventor has located the suction opening spaced away from the bit opening and uses the position of the suction opening

in co-operation with the position of the work piece and the slot or shape formed in the work piece to co-operate with the centrifugal force to carry the materials along the work piece and into the suction opening, which is spaced away from the bit opening.

Claim 1 has been amended firstly to make clear the distinction between the plate or table top and the surface of that element. The Examiner will appreciate that the surface of an element is merely two-dimensional whereas the element itself is of course three-dimensional. Thus the claim now makes clear this distinction by referring to openings in the surface and holes through the element concerned.

This amendment therefore makes clear the distinction from the prior art of Brazell where it is clear that there is no suction opening in the surface of the Formica layer 92. The only opening in the surface of the Formica layer 92 is provided by the bit opening.

Thus it is submitted that the claim distinguishes from this prior art initially by this feature of the suction opening through the surface.

Yet further Claim 1 has been amended by defining the co-operation between the movement of the work piece relative to the bit and to the suction opening so that the cut shape defines a passage over the surface to the suction opening in the surface.

It is clear that Brazell does not provide any such passage over the surface since the suction at the tube 110 is merely applied at the bit opening.

It is submitted therefore that Claim 1 is distinguished from the prior art of Brazell and should therefore be allowed.

It is understood that the prior art of Rousseau cited in combination with Brazell is cited merely to disclose the plate since Rousseau makes no mention of any suction openings. Rousseau therefore does not overcome the deficiencies of Brazell in regard to the suction opening and its co-operation with the work piece.

It is submitted therefore that Claim 1 is distinguished from the combination of Brazell and Rousseau under 35 U.S.C. 103 and should therefore be allowed.

With regard to the additional prior art of the WOOD article submitted herein, the suction opening in the table surface does break through the table surface and thus is presented at the table surface. However it is clear that the suction opening is located behind the guide fence so that it does no co-operate with the work piece in the manner now defined in Claim 1. Thus it is not possible for the work piece to move from the bit towards the suction opening since the suction opening is behind the guide fence. In addition the suction opening is covered by an air guide plate so that the air guide plate would preclude the possibility of the work piece being moved in that direction since it would impact upon the air guide plate.

It is fully clear therefore that the WOOD article does not disclose nor in any way suggest the co-operation of the work piece and the surface which provides the passage as now defined in Claim 1.

It is submitted therefore that Claim 1 is distinguished from the WOOD article and should therefore be allowed.

Turning now to the additional independent Claims 20, 38 and 43, each of these independent claims includes the same or substantially the same limitations as defined above and should therefore be allowable with Claim 1. Claim 20 is directed to

the combination of the router and router table and includes the guide which directs the movement of the work piece. Claim 38 is directed to the method and is modified relative to Claim 1 in that it more clearly defines the presence of the plate which is inserted into the opening or hole in the table top. Thus Claim 38 includes substantially all the limitations of Claim 1 together with the yet further feature of the plate and the location of the suction opening within that plate. Claim 38 should therefore be allowed with Claim 1.

Claim 43 in effect corresponds to Claim 38 in that it is a claim directed to the combination but more specifically sets forth the presence of the plate in the router table. Claim 43 thus includes the limitations of Claim 20 together with the yet further limitation of the provision of the plate in the table and therefore should be allowable with Claim 1 as set forth above.

Claim 46 is directed to the combination but does not include the limitation of the guide and the direction of the work piece relative to the suction opening. Claim 46 includes the above limitation relating to the suction opening breaking through the surface of the plate. Thus Claim 46 is distinguished from Brazell in that, as explained hereinbefore, the suction opening does not break through the surface of the Formica in Brazell but instead is communicated under the surface to the bit opening. Thus Claim 46 is distinguished from Brazell by this feature.

Yet further Claim 46 includes a second suction opening and includes the limitation that the first and second suction openings are arranged so that a line extending from the respective suction opening to the axis of the drill bit from the first suction opening is at right angles to the corresponding line to second suction opening.

The present invention as defined in Claim 46 is thus distinguished from the prior art of Brazell by the presence of two suction openings both of which break through the upper surface.

Claim 46 is distinguished from the WOOD article by the presence of two suction openings both of which break through the upper surface. Yet further the claims states that the suction openings are arranged at right angles relative to the lines from the drill bit. Thus a rejection of 35 U.S.C.102 based upon the WOOD article is not proper since the WOOD article does not provide the above stated two separate suction openings.

Even if the Examiner were to consider a rejection under 35 U.S.C.103 that the provision of two suction openings is merely obvious, the suction openings are stated to be at specific locations relative to the drill bit. There is no suggestion in the WOOD article that a second suction opening would be desirable and even if such a second suction opening were desirable, there is absolutely no suggestion as to where this may be located.

It is only when the concept of the present inventor is introduced that the suction openings should be used in conjunction with the work piece that the desirability of locating the suction openings at right angles becomes apparent.

It is submitted therefore that Claim 46 is distinguished from the prior art of Brazell and the WOOD article both under 35 U.S.C.102 and 35 U.S.C.103 and should therefore be allowed.

The objection under 35 U.S.C.112 have been noted and corrections have been entered to more clearly define the elements concerned.

26

In addition careful consideration has been given throughout the claims to ensure consistency of language and proper antecedent basis for all terms used in the claims. It is submitted therefore that the amendments made in the claims will be apparent without the necessity for individual comment since these amendments are primarily for the purposes of language consistency and proper antecedents.

In view of the foregoing, further and favourable reconsideration of this application is respectfully requested.

Respectfully submitted

DEAN ROBERT ROSENDAHL

PER:

Adrian D. Battison

Registration No: 31,726

ADB/II  
June 29, 2005  
Enc.(3)

Adrian D. Battison      Winnipeg, Manitoba, Canada  
Telephone (204) 944-0032 - FAX (204) 942-5723

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306, on June 29, 2005

LYNN LEATHERDALE

Lynn Leatherdale